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July 2, 2010

SENT VIA EMAIL (interimplan@deltacouncil.ca.gov)

Ms. Terry Macaulay
Deputy Executive Officer, Strategic Planning
Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on June 14, 2010 Draft Interim Delta Plan

Dear Ms. Macaulay:

This firm represents Reclamation District 999 ("District"), which is within the Clarksburg District of the Delta. The Delta Stewardship Council ("Council") has an important role to play in improving conditions in the Delta. The failings of CALFED must not be replicated, and the Council must learn from CALFED's failings and the successes. A concerted, scientifically based effort by the Council that is reflective of local needs and concerns, could be the single most important action by Legislature to address Delta issues.

The challenge for the Council will be to apply the best available science, in concert with unified management, in a manner that actually improves conditions on the ground. Delta communities face these challenges every day and want to support efforts to improve flood safety, community sustainability and environmental conditions. This requires good-faith collaboration with communities in the Delta by the Council. This collaboration will ensure success on the ground at the same time as state-wide interests in ecosystem protection and water supply are also met.

Comments on Draft Delta Interim Plan

As a stakeholder in the various proceedings that will affect land and water management within the Delta, the District offers the following preliminary comments on the June 14th Draft Interim Delta Plan ("Draft IP").

Organization

The Draft IP provides a roadmap of how the Council intends to organize and document its activities. It is clearly presented and well-organized. The approach of articulating the statutory requirements and clarifying approach provides a firm foundation for the Interim Plan.

Disposition of Previous Comments

This disposition of our and other stakeholder comments was unclear and we would like to request an explanation of that process and identification of changes made to each draft as the process moves forward.¹ The District also requests notice of and participation in focused work groups associated with the IP.²

Timing of Interim Plan Development

The Legislation requiring the Interim Plan to be prepared did not specify timing for completion of the IP. The very brief and self-imposed deadline of August 27, 2010 for completion of the IP is too short to allow adequate public participation and incorporation of public comments. A minimum of a one month review period for each public draft is required if the Council is to give "full consideration of public input." (See e.g., Draft IP, at p. 23.)

Inadequate Consideration of Resource Management Plan and Other Existing Plans

The IP should rely more on the existing Delta Protection Commission's Draft Land Use and Resource Management Plan for the Primary Zone of the Delta ("RMP"), adopted in February 2010. The RMP is the result of years of public participation and includes important information that the Council should rely on for the development of the IP. The RMP, in combination with county General Plans, already guide land uses in the Delta. Oddly, the discussion of implementation of the IP as it relates to land uses in the Draft IP does not mention either the RMP or General Plans. This is an oversight and should be corrected.

1 Comments on the Interim Plan Outline were submitted on May 12, 2010. These comments are not fully reflected in Appendix III to the Draft IP.

2 According to the Draft IP, "Pursuant to the Council action on May 27, 2010, focused work groups may be utilized to develop language or alternatives to sections of this plan." (Draft IP, cover.)

Undue Reliance on Delta Vision

The repeated reference to and reliance on the Delta Vision Strategic Plan (“Delta Vision”) conflates the Council’s legislative mandate with the policy direction contained in Delta Vision Plan. While it is certainly true that the Delta Vision was a key part of the Governor’s policy initiative, and several elements of Delta Vision were carried forward in the Sacramento-San Joaquin Delta Reform Act of 2009, Delta Vision does not have the force of law.

Factual Inaccuracies

The background section of the Draft IP is inaccurate. (Draft IP, p. 7.) The Sacramento River and the San Joaquin River are the longest rivers. The Sacramento and the Klamath River are the two largest rivers by volume in California.³ The Draft IP also misidentifies the economic statistic for State agricultural earnings by stating that the entire State’s agricultural production is dependant on the Delta. The Draft IP also ignores the independent value of agricultural production within the Delta, which is much more sustainable than agriculture in arid parts of the state that rely on water imported from the Delta.⁴

Performance Measures and Targets not Coherent

Each IP component description includes a “Performance Measures and Targets” section. The lists provided, however, are at times a series of unrelated actions, with virtually no measures or targets explicit or implicit. (See, e.g., p. 9.) Each Performance Measure and Target must be specifically identified in order for the plan to be comprehensible.

Best Available Science

Each section identifies the need for Best Available Science. The contemplated schedule for completion of the Draft IP, however, does not allow incorporation of science in to the IP.

3 David Carle, *Introduction to Water in California*. California Natural History Guides No. 76. (London: Univ. of California Press, 2009).

4 In 2008, ALL California farms *and ranches* received \$36.2 billion; the correct number for agriculture supplied from Delta water is closer to \$22 billion. (See <http://www.cdfa.ca.gov/statistics/>.)

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Thank you for the opportunity to comment on the Draft IP. We hope more time will be provided for public review of future drafts in order to ensure the level of public participation that good public policy requires and that the Council has promised.

Very truly yours,

SOLURI MESERVE

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By:

A handwritten signature in black ink, appearing to read 'Osha R. Meserve', written over the printed name.

Osha R. Meserve

cc: Reclamation District Board of Trustees

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